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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 JAMES SUBER,

11 Plaintiff,

12 v.

13 SNOHOMISH COUNTY
14 CORRECTIONS BUREAU FOOD
SERVICES, et al.,

15 Defendants.

CASE NO. C18-0429JLR

ORDER ADOPTING REPORT
AND RECOMMENDATION

16 **I. INTRODUCTION**

17 Before the court is the Report and Recommendation of United States Magistrate
18 Judge Mary Alice Theiler (R&R (Dkt. # 11)) and Plaintiff James Suber's objections
19 thereto (Objections (Dkt. # 12)). Having reviewed those documents, the relevant portions
20 of the record, and the governing law, the court ADOPTS the Report and
21 Recommendation (Dkt. # 11) and DISMISSES Mr. Suber's complaint without prejudice
22 pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

II. STANDARD OF REVIEW

A district court has jurisdiction to review a Magistrate Judge's report and recommendation on dispositive matters. Fed. R. Civ. P. 72(b). "The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to." *Id.* "A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). The court reviews de novo those portions of the report and recommendation to which a party makes a specific written objection. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). "The statute makes it clear that the district judge must review the magistrate judge's findings and recommendations de novo if objection is made, but not otherwise." *Id.*

III. DISCUSSION

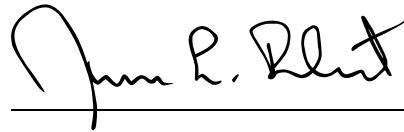
The court has reviewed Mr. Suber's 42 U.S.C. § 1983 prisoner civil rights complaint (Compl. (Dkt. # 6)); his amended complaint (Am. Compl. (Dkt. # 10)); the Report and Recommendation (R&R); and Mr. Suber's objections to the Report and Recommendation (Objection). Mr. Suber's objections do not raise any novel issue that was not addressed by Magistrate Judge Theiler's Report and Recommendation. Moreover, the court has thoroughly examined the full record and finds Magistrate Judge Theiler's reasoning persuasive in light of that record. Accordingly, the court independently rejects the arguments that Mr. Suber makes in his objections for the same reasons that Magistrate Judge Theiler did.

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1 **IV. CONCLUSION**

2 For the foregoing reasons, the court ADOPTS the Report and Recommendation
3 (Dkt. # 11) in its entirety. Mr. Suber's Section 1983 prisoner civil rights complaint is
4 DISMISSED without prejudice under 28 U.S.C. § 1915(e)(2)(B)(ii). The court further
5 DIRECTS the Clerk to send a copy of this order to the parties and to Magistrate Judge
6 Theiler.

7 Dated this 27th day of July, 2018.

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10 JAMES L. ROBART
11 United States District Judge
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